LOCATIONS WITHIN THE DFARS WHERE "PERFORMANCE-BASED" SERVICE IS PART OF THE TEXT

Text is current as of 17 May 03 (DCN 20030430 Edition) and does not include coverage pertaining to performance-based payments/financing. To confirm accuracy of the text subsequent to 17 May 03, please check the current version of the DFARS. Cites precede the text.

SUBPART 212.1--ACQUISITION OF COMMERCIAL ITEMS--GENERAL

(Revised October 25, 2002)

212.102 Applicability.

- (a)(i) In accordance with Section 821 of the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. 106-398), the contracting officer also may use FAR Part 12 for any **▼ performance-based ►** contracting for services if the contract or task order--
 - (A) Is not awarded using the procedures in FAR Subpart 13.5;
 - (B) Is entered into on or before October 30, 2003;
 - (C) Has a value of \$5 million or less;
 - (D) Meets the definition of **▼ performance-based ►** contracting at FAR 2.101;
 - (E) Uses quality assurance surveillance plans;
 - (F) Includes performance incentives where appropriate;
 - (G) Specifies a firm-fixed price; and
 - (H) Is awarded to an entity that provides similar services at the same time to the general public under terms and conditions similar to those in the contract or task order.

(ii) In exercising the authority specified in paragraph (a)(i) of this section, the contracting officer should tailor paragraph (a) of the clause at FAR 52.212-4 as may be necessary to ensure the contract's remedies adequately protect the Government's interests.

SUBPART 237.6-- PERFORMANCE-BASED ► CONTRACTING

(Added December 06, 2001)

237.601 General.

See 212.102 for the use of FAR Part 12 procedures with **▼ performance-based ▶** contracting.

253.204-70 DD Form 350, Individual Contracting Action Report.

Policy on use of a DD Form 350 is in 204.670-2. This subsection contains instructions for completion of the DD Form 350.
(b) Part B of the DD Form 350. Part B describes the transaction.

- (v) LINE B1E, **▼ PERFORMANCE-BASED** ► SERVICE CONTRACT (see FAR Subpart 37.6). Enter one of the following codes:
 - (A) <u>Code Y Yes</u>. Enter code Y when at least 80 percent of the contract value is for work that is **◄ performance based** ►.
 - (B) <u>Code N No</u>. Enter code N when code Y does not apply.